

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MCCARTHY & COMPANY, P.C.,  
Plaintiff,**

**CIVIL ACTION**

**v.**

**JOANNE STEINBERG, individually and as  
Executor of the Estate of Harris E. Fox,  
deceased,  
Defendant.**

**NO. 20-1645**

**ORDER**

**AND NOW**, this 28th day of December, 2020, upon consideration of Defendant Joanne Steinberg's Motion to Dismiss Plaintiff's Complaint in Part (Document No. 3, filed April 3, 2020), Plaintiff's Response in Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint in Part (Document No. 5, filed April 24, 2020), and Defendant's Reply to Plaintiff's Response in Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint in Part (Document No. 6, filed May 8, 2020), for the reasons stated in the accompanying Memorandum dated December 28, 2020, **IT IS ORDERED** that Defendant's Motion to Dismiss Plaintiff's Complaint in Part is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The motion is **DENIED** to the extent it seeks dismissal of Counts 1 and 2 of the Complaint against defendant as an individual; and
2. The motion is **GRANTED** to the extent it seeks dismissal of all Counts against defendant as Executor of the Estate of Harris E. Fox.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**